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Marchetti Appeals to High Court

By John P. MacKenzie
Washington Post Staff Writer

The Supreme Court was asked yesterday to decide whether the Central Intelligence Agency has broad power to suppress writings of former employees about what they learned while working for the CIA.

Victor L. Marchetti and John D. Marks, coauthors of the partly censored book, "CIA and the Cult of Intelligence," joined publisher Alfred A. Knopf, Inc., in seeking a high court hearing.

The Fourth U.S. Circuit Court of Appeals last month sustained the CIA's right to enforce its secrecy agreement with Marchetti, a former high-ranking agency employee, and relaxed the CIA's burden of proving that deleted passages from the book contained classified information.

The lower court "prostrated itself before the totem of national security," the petition said, "and completely ignored the compelling claims of free speech and free press, which are guaranteed by the Constitution."

In addition to the constitutional attack, the petition challenged the CIA's right to obtain an injunction preventing publication of the disputed passages on grounds that Congress had not authorized such court orders despite the agency's requests.

The authors and publisher had won a significant victory last year when District Judge Albert V. Bryan Jr. in Alexandria rejected the CIA's claim that more than 200 items of information had been classified. Bryan said the agency appeared to classify the information on the spot when it screened the manuscript.

But the court of appeals held that information should be deemed classified if it was "classifiable" and appeared

anywhere on a government document bearing a classification stamp. The court said there was a "presumption of regularity in performance by public officials" safeguarding government secrets, so that if an item could have been classified it was in fact classified.

Melvin L. Wulf and Floyd Abrams, attorneys for the authors and publisher, said the appellate court ignored evidence that government classifying officers do not classify everything that could be classified.

The book has been published with numerous blank spaces marking CIA deletions.

If the court decides to hear the case, oral argument would be in the fall. If the court rejects the petition, the appellate court ruling will stand.

MacKenzie, John P.
CIA 1.04 Marchetti; Victor
SOCY.01.2 The CIA & the Cult
of Intelligence

CIA 3.03.1

CIA 4.01 Domestic Spying

CIA 4.01 ASSASSINATION

CIA 7.02 Rockefeller

Papich, Sam Comm

OR 91 MAFIA

Not on Rockefeller Panel's Agenda

CIA Death-Plot Probe Denied

Associated Press

A White House spokesman denied a report last night that the Rockefeller Commission plans to investigate alleged CIA involvement in plots to assassinate foreign leaders.

The New York Times quoted White House sources in its Sunday editions as saying the Rockefeller commission will investigate allegations of CIA assassination plots against foreign leaders.

Assistant White House press secretary Larry Speaks said that "as far as I know there's been no change in the President's position" as relayed to reporters last Tuesday.

At that time, press secretary Ron Nessen said President Ford feels that investigating the alleged foreign assassination plots would go beyond the Rockefeller Commission's jurisdiction.

The panel, headed by Vice President Nelson A. Rockefeller, was mandated to look into allegations of illegal CIA domestic spying.

Nessen added that it would be appropriate for a special Senate intelligence committee chaired by Sen. Frank Church (D-Idaho), to investigate the assassination plot charges.

Despite Nessen's statement, however, Rockefeller refused to rule out an investigation by his commission into any domestic arrangements linked to CIA involvement with the overseas assassination attempts.

And Samuel Papich, former liaison between the FBI and CIA, has said he expects to be called to testify before the

Rockefeller panel about reported CIA contacts with the Mafia regarding alleged plots to assassinate Cuban Premier Fidel Castro.

In a recent telephone interview from New Mexico, Papich denied that he had any information to substantiate those allegations of CIA contacts with the Mafia.

However, several other sources have acknowledged that the Mafia—which controlled gambling casinos and other enterprises in Cuba before Castro took power—had provided information about Cuba to the CIA.